

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.  
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.

**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.

**THIRD PARTY DEFENDANTS**

**CASE NUMBER: 05-CV-0329-JOE-SAJ**

To: **The Corporation Company Service agent for  
 Sequoyah Fuels International  
 735 First National Building,  
 Oklahoma City OK 73102**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

#### PLAINTIFF ATTORNEY

Douglas Allen Wilson  
 Melvin David Riggs  
 Richard T. Garren  
 Sharon K. Weaver  
 Riggs Abney Neal Turpen Orbison & Lewis  
 502 West 6<sup>th</sup> Street  
 Tulsa, OK 74119-1010

#### DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

A. Scott McDaniel  
 Joyce, Paul & McDaniel PLLC  
 1717 South Boulder, Suite 200  
 Tulsa, OK 74119  
 For Peterson Farms

Robert W. George  
 Kutack Rock LLP  
 The Three Sisters Building  
 214 West Dickson Street  
 Fayetteville, AR 72701-5221  
 For Tyson Foods, Inc.

R. Thomas Lay  
 Kerr, Irvine, Rhodes & Ables  
 201 Robert S. Kerr Ave., Suite 600  
 Oklahoma City, OK 73102  
 For Willow Brook Foods, Inc.

Robert P. Redemann  
 Lawrence W. Zeringue  
 David C. Senger  
 Perrine, McGivern, Redemann, Reid,  
 Berry & Taylor, PLLC  
 P. O. Box 1710  
 Tulsa, OK 74101-1710  
 For Cal-Maine Foods, Inc.

George W. Owens  
 Randall E. Rose  
 The Owens Law Firm, P.C.  
 234 West 13<sup>th</sup> Street  
 Tulsa, OK 74119  
 For George's Inc.

John R. Elrod  
 Vicki Bronson  
 Conner & Winters, P.C.  
 100 West Center Street, Suite 200  
 Fayetteville, AR 72701  
 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi

Clerk



(By) DEPUTY CLERK

MAR 15 2006

Date

RETURN OF SERVICE	
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>3.17.2006</u>
NAME OF SERVER (PRINT) <u>Elizabeth Trotta</u>	TITLE <u>Paralegal</u>
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): <u>Certified Mail</u>	
STATEMENT OF SERVICE FEES	
TRAVEL	SERVICES
TOTAL	
DECLARATION OF SERVER	
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>3.23.2006</u> <u>Elizabeth Trotta</u>  <small>Date Signature of Server</small></p> <p><u>1717 S. Boulder, Ste. 200, Tulsa OK 74105</u>  <small>Address of Server</small></p>	

## SENDER: COMPLETE THIS SECTION

## COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the envelope or on the front if space permits.

**RESTRICTED DELIVERY**

## 1. Article Addressed to:

The Corporation Company,  
Service agent for Sequoyah  
Fuels International  
735 First National Building  
Oklahoma City, OK 73102

## 2. Article Number

(Transfer from service label)

7005 3110 0002 7876 0904

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [Signature] C. Date of Delivery 3.23.2006

D. Is delivery address different from item 1? Yes ☐ No ☒  
 If YES, enter delivery address below:

## 3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

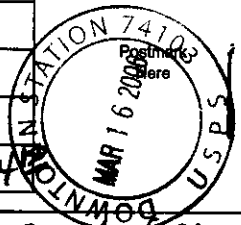
## 4. Restricted Delivery? (Extra Fee)

☒ YesPostal Service<sup>TM</sup>**REGISTERED MAIL<sup>TM</sup> RECEIPT**

Mail Only; No Insurance Coverage Provided)

Information visit our website at [www.usps.com](http://www.usps.com)**OFFICIAL USE**

Postage	\$ <u>6.15</u>
Registered Fee	<u>2.50</u>
Receipt Fee (required)	<u>1.85</u>
Any Fee (required)	<u>3.70</u>
<b>Fees</b>	<b>\$ <u>14.20</u></b>



Company, Service Agent for Sequoyah  
Fuels Intern.  
735 First National Building  
OKC OK 73102

June 2002

See Reverse for Instructions